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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,645	01/30/2001	Ian Dryburgh	1487.0050003	1606

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EXAMINER

BARFIELD, ANTHONY DERRELL

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 10/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SL:

Office Action Summary

Application No.
09/771,645

Applicant(s)
Dryborough et al

Examiner
Anthony D Barfield

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jul 29, 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-67 is/are pending in the application.
- 4a) Of the above, claim(s) 18-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 46-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of Group I, claims 1-17 in Paper No. 7 is acknowledged.
2. Claims 18-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 7.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 46 and 66 are rejected under 35 U.S.C. 102(e) as being anticipated by Crawford et al. Crawford et al shows the conventional use of a seat (52) and reclineable back (48) within a fixed housing (12). Crawford further shows a leg support (54) that is driveable between a

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retracted and supporting portion. Crawford et al further teaches the use of a drive means comprising an electric motor (148) for driving a trolley (72,107) that has a member (72) which extends away from a seat portion.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

6. Claims 46-51 and 66-67 are rejected under 35 U.S.C. § 103 as being unpatentable over Gutridge et al. in view of Crawford et al. Gutridge et al. discloses an accommodating unit with a primary seat (23), and a secondary unit (23) positioned in front thereof, and including a surface (24), as shown in Figure 3. The primary seat has a reclinable back portion (25) connected to a moveable seating portion (24). Gutridge et al. shows the back portion reclining within a fixed structure or housing (10) with a support (12) and the use of a privacy screen (14). The accommodation unit further comprises a retractable table (20) and storage space (see Figures 1

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and 4). A trolley (45) comprises a member extending away from the seating portion to contact a support surface (38). The trolley is connected to a drive means (44,47) for driving the trolley to move said seating portion forward and backward between a retracted and an extended position. The accommodation unit further comprises a back guiding means (26,30) formed thereon in order to form a substantially flat surface with the seating portion, which has a seat guiding means (37,37'). Guttridge et al fails to show a leg support driveable between a retracted and supporting position. Crawford et al shows the conventional use of a leg support (54) that is driveable between a retracted and supporting portion. Crawford et al further teaches the use of a drive means comprising an electric motor (148) for driving a trolley (72,107) that has a member (72) which extends away from a seat portion. It would have been obvious to one of ordinary skill in the art the time of the invention to modify the primary seat of the seat accommodation unit of Guttridge et al with a retractable leg support and drive means, as shown by Crawford et al., in order to provide an easier adjustment between an upright and reclined positions and increase the sleeping surface for a user.

7. Claims 52-57 as best understood are rejected under 35 U.S.C. § 103 as being unpatentable over Guttridge in view Crawford et al as applied to claim 46 above and further in view of Recaro. Guttridge et al in view of Crawford et al show all of the teachings of the claimed invention except the use of a utilities unit. Recaro shows a seating unit (Figure 1) comprising a primary seat (1), with a structurally separate utilities unit (4). The utilities unit has a storage space (8), television-type monitor (9) and a table (the cup holder) extendable in front of the primary seat. It would

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have been obvious to one of ordinary skill in the art at the time of the invention to modify the seat unit of Gutridge et al. in view of Crawford et al. with the utilities unit, as taught by Recaro, in order to provide additional amenities along with comfort to a user.

8. Claims 58-65 as best understood are rejected under 35 U.S.C. § 103 as being unpatentable over Gutridge et al in view Crawford et al as applied to claim 46 above and further in view of Francois et al. Gutridge et al in view Crawford et al show the use of a plurality of accommodation units in a vehicle but fall to show the use of plurality of seating units arranged in a out-board and in-board facing arrangement in an aircraft cabin. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art satisfying the claimed the structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Francois et al. shows the conventional use of a plurality of seating units in an out-board facing arrangement (Figure 5) and a plurality of seats in an in-board facing arrangement (Figure 1) while a portion of the seating units are disposed in an echelon along the opposite side of the aircraft cabin and a central section thereof. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Gutridge et al in view of Crawford et al, with the teachings of Francois et al., in order to increase the number of seating units per row.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Barfield whose telephone number is (703) 308-2158.



ANTHONY D. BARFIELD
PRIMARY EXAMINER

adb
October 21, 2002